



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 01 2004

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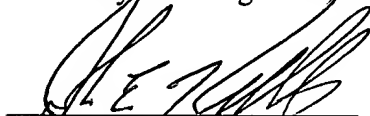
Paper No. 15

In re Application of	:	
Stewart Kume	:	<i>SUA SPONTE</i>
Serial No. : 09/655,232	:	RESCISSION OF
Filed : September 5, 2000	:	NOTICE OF
For : Methods of Using an Intravascular Balloon Catheter	:	ABANDONMENT
in Combination with an Angioscope	:	

A review of the application reveals that an Office action was mailed to applicant on January 30, 2004. On August 3, 2004, a Notice of Abandonment was mailed indicating that the application was being abandoned for failure to file a response to the Office action mailed January 30, 2004. The abandonment of the application was premature given the fact that applicant had filed a response in the form of a Request for Continued Examination (RCE) on July 30, 2004. The July 30, 2004 submission included a three-month extension of time request and indicated that the Amendment After Final filed May 27, 2004 be considered as the "submission". An inspection of the file failed to uncover the May 27, 2004 amendment. In response to a telephone communication from the Office, applicant's representative submitted a new copy of the amendment in question with proof, in the form of a PTO-stamped return postcard, that the amendment had indeed been filed and received.

In view of these facts, the abandonment was clearly premature and is hereby rescinded. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry, processing and consideration of the RCE and amendment filed May 27, 2004.

Summary: Holding of Abandonment Rescinded.


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ak/8/27/04